

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3       DARREN HEYMAN,

4                   Plaintiff

5       v.

6       STATE OF NEVADA EX REL. BOARD OF  
7       REGENTS OF THE NEVADA SYSTEM OF  
8       HIGHER EDUCATION ON BEHALF OF  
9       UNIVERSITY OF NEVADA, LAS VEGAS,  
      et al.,

      Defendants

Case No.: 2:15-cv-01228-APG-DJA

**Order Granting Plaintiff's Emergency  
Motion to Postpone Trial**

[ECF No. 542]

10           Plaintiff Darren Heyman moves to postpone the trial. ECF No. 542. Due to the  
11 continuing COVID-19 pandemic, it will be extremely difficult, if not impossible, to convene a  
12 jury trial during the current January 25, 2021 trial stack. It is not even clear whether this district  
13 will resume jury trials by that date. To save the parties from unnecessarily preparing for trial, I  
14 will postpone the trial at this time.

15           Heyman requests that I delay the trial until “such time as all proposed Nevada resident  
16 witnesses are able to safely testify in person at the physical location of this Court.” *Id.* at 1. That  
17 request is too vague to grant, as it is unclear when the pandemic will subside, when those  
18 witnesses will be vaccinated (if at all), and what other scenarios would be considered safe for  
19 witnesses to testify in person at trial. And, there is no constitutional or statutory right in a civil  
20 case for witnesses to testify in person, rather than through a video connection. Therefore, I will  
21 not set a new trial date based on that criteria. I will, however, set the trial date out a reasonable  
22 length of time in hopes that the pandemic will have sufficiently subsided to permit most, if not  
23 all, witnesses to testify in person. I will issue a separate order setting the new trial date. The

1 parties are encouraged to confer about accommodations for witnesses to testify remotely if  
2 necessary.

3 I THEREFORE GRANT plaintiff Darren Heyman's motion to postpone the trial in this  
4 case (ECF No. 542).

5 DATED this 10th day of January, 2021.

6  
7 

8 ANDREW P. GORDON  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23